



# Report to Planning & Zoning Commission

Clay County, Missouri

**Case Number** March 15-106F

**Case Type** Final Plat

**Project Name** Williams Creek

**Applicant** Fred Dehn, representing Precision Repair Systems  
16516 N. 69 Highway  
Excelsior Springs, Mo 64024

**Owners** Fred Dehn, representing Precision Repair Systems  
(*Proposed Lots 1 and 2 Williams Creek*)  
16516 N. 69 Highway  
Excelsior Springs, Mo 64024

Alfred G. Rager  
(*Proposed Lot 3 Williams Creek*)  
28815 NE 166<sup>th</sup> St.  
Excelsior Springs, Mo 64024

**Request** **Final Plat** approval of Williams Creek

**Application Submittal** 2015-02-03

**Public Notice Published** N/A

**Neighbor Letters Sent** 2015-02-11

**Report Date** 2015-02-25

**REPORT AUTHOR(S)** Debbie Viviano, Planner  
Matt Tapp, Director

**Recommendation** APPROVAL with conditions



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Clay County, Missouri

## General Information

Site Location:	Approx. 16516 N 69 Hwy Section 23   Township 53   Range 30
Site Size:	23.95± Acres
Existing Landuse & Zoning:	Agricultural (AG) District / Suburban Residential (R-1A) District / Limited Industrial (I-1) District
Zoning/Platting History:	Rezoning to I-1, Zoning Order, Page 491, 11/22/1973; <u>Stone Ridge</u> , recorded 7/23/1993; <u>Stone Ridge, Replat of Lot 3</u> , recorded 2/1/2000.
Surrounding Landuse & Zoning:	<div>North - Community Commercial (C-2) District, Agricultural (AG) Zoned land</div> <div>East - <u>Sachs Addition</u> (R-1A), <u>Beason Meadows</u> (AG/R-1), Agricultural (AG) Zoned Land</div> <div>South - <u>Stone Ridge Replat Lot 3</u> (R-1A), Agricultural (AG) Zoned Land, <u>Williams Est. Replat of Lot 1</u> (R-1A), City of Excelsior Springs (<i>Approx. ½ mile</i>)</div> <div>West - Community Commercial (C-2) District-(NW Electric Substation), <u>Germann's Minor</u> (AG), <u>Rogers Ridge</u> and <u>Davenport Acres</u> (R-1A)</div>

## Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Fed Dehn, Representing Precision Repair Systems and Alfred Rager are requesting **Final Plat** approval for Williams Creek for 23.95± acres located at approximately 16516 N. 69 Highway.

Mr. Dehn is pursuing this request to bring all properties into compliance with the 2011 Clay County Land Development Code (LDC) so as to allow for the construction of a new building towards the south end of proposed Lot 2.

### **Character of the General Neighborhood**

Agriculturally (AG) zoned property is in each direction of the property. C-2 zoned land is to the north and west (NW Electric substation). R-1 & R-1A zoned land are to the east and south. The City of Excelsior Springs is to the south and within the 1-mile coordination tier [See Attachment B].

### **Code Considerations**

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under **Section 151-3.6 (D)** of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat*.

The application was properly noticed, per regulations and adjacent property owners were notified within the mandated 1,000 foot distance by means of a letter dated February 11, 2015.

The Board of Zoning Adjustment (BZA) approved the following three non-use variances on February 24, 2015:

- A maximum 5.65-foot front/street side setback variance from Section 151-4.14 (C) to allow the structures to remain as established on the property.
- A maximum 4.10-foot interior side setback variance from Section 151-4.14 (C) to allow the structure to remain as established on the property.
- A maximum 24.05-foot rear side setback variance from Section 151-4.14(C) to allow the structures to remain as established on the property.

The LDC also provides certain zoning district standards for an I-1 district within Section 151-4.14, which are referenced below and specific to this request. Noted in *italics* is the County staff response to the standard.

1. All manufacturing and repair activities shall be conducted within an enclosed building.
2. Outdoor storage areas that are visible from public rights-of-way or residential zoning districts shall be screened from view of such rights-of-way or zoning districts by buildings, solid, opaque fences or walls or by dense vegetative plantings that effectively block views of the material being stored. The height of the building, fence, wall or vegetation shall be at least as tall as the material being screened.
3. Direct access to and frontage on at least one arterial or minor arterial street shall be required.
4. All uses shall be operated so as to comply with the following performance standards:
  - a. All uses shall be so operated as to comply with all applicable state and federal standards governing radiation, smoke, dust, particulate matter, toxic or noxious waste materials.



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- b. No use shall be operated so as to produce ground vibration, noticeable without instruments, at the lot line of the premises on which the use is located.
- c. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any residential or commercial district.
- d. Each use shall be operated so as to minimize the danger from fire and explosion and to comply with the regulations contained in the County Code.
- e. Any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that steam, humidity, heat or glare is not perceptible at any lot line.

### **Outside Agency Review**

The Missouri Department of Transportation (MoDOT) replied in an email with this response:

"...as long as the access does not change our department has no problem with the rezoning. The existing access for both commercial and non-commercial tracts will remain the same and if needed shared-access arrangements need to be recorded with the Clay County. The commercial and residential entrances are existing. No other access will be given from Route US 69 to these tracts."

The Clay County Highway Department gave preliminary and final approval, and has no conflicts or changes with the preliminary or final plats.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #1 of Ray County has water availability for water meters for the all lots.

N.W. Electric Power Cooperative advises the **landowners** of restrictions:

*"The easement does not allow buildings constructed or trees planted inside the 100 foot easement. NW requires pre-approval of the altering of ground elevations in the easement area. The developer should advise land purchasers of all restrictions before purchase and notify NW Electric regarding interpretation of these restrictions."*

This note should be added to the plat: Please be advised that NW Electric Power Cooperative, Inc. has a 69,000 volt transmission power line running through Section 23, Township 53, Range 30 of Clay County, MO. NW Electric holds recorded easements on the proposed property for ingress and egress and specific restrictions on a 100 foot strip (50 feet from center on each side of the transmission line).

### **Findings**

Since this is a replatting of an existing subdivision with only boundary changes and no creation of new lots, no Road Impact Fees (RIF) will be assessed per LDC Section 151-9.13.

The applicant is proposing to install new landscaping along a portion of the west boundary of Lot 2 so as to be in compliance with LDC Section 151-4.14 (2) as listed earlier which requires outdoor storage areas in I-1 districts to be screened from view of any public rights-of-way (i.e. streets) or residentially zoned districts [See Attachment "C" of March 15-105RZP]. Staff recommends extending the landscaping full distance down the west property line of Lot 2 at the time of any new building construction to fully block the view of any potential outdoor storage from Lots 1 and 3.



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## Recommendations

Staff recommends the **Final Plat** of **Williams Creek** be **approved**, with the following conditions as shown on Exhibit A:

### Exhibit A

1. Landscaping be extended the full distance of the west property line of Lot 2 prior to the issuance of any building permits for new construction.
2. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with the Williams Creek (Case No: March 15-106F) with the described utility easement shown as vacated on the Final Plat.
3. The following changes to the recording copies of the final plat:
  - a. C/L of NE 166<sup>th</sup> St marked on plat.
  - b. 15' utility easement (UE) along the north property line (NE 166<sup>th</sup> St) of Lot 2.
  - c. Utility easements (UE's) to be vacated noted as such. On Final Plat UE's shaded gray and Vacated by Document \_\_\_\_\_.
  - d. ADD: stream setback graphics
  - e. ADD: Subtitle "A Replat of Lot 2, Stone Ridge and A Replat of Lot 3B, Replat of Lot 3 Stone Ridge".
  - f. ADD: Dedicated 30' ROW on corner of NE 166<sup>th</sup> St and US Highway 69 to CLAY COUNTY, and noted as such.
  - g. ADD NOTE: "*Please be advised that NW Electric Power Cooperative, Inc. has a 69,000 volt transmission power line running through Section 23, Township 53, Range 30 of Clay County, MO. NW Electric holds recorded easements on the proposed property for ingress and egress and specific restrictions on a 100 foot strip (50 feet from center on each side of the transmission line).*"
  - h. Signature line and such removed for Nancy Lou Rager.

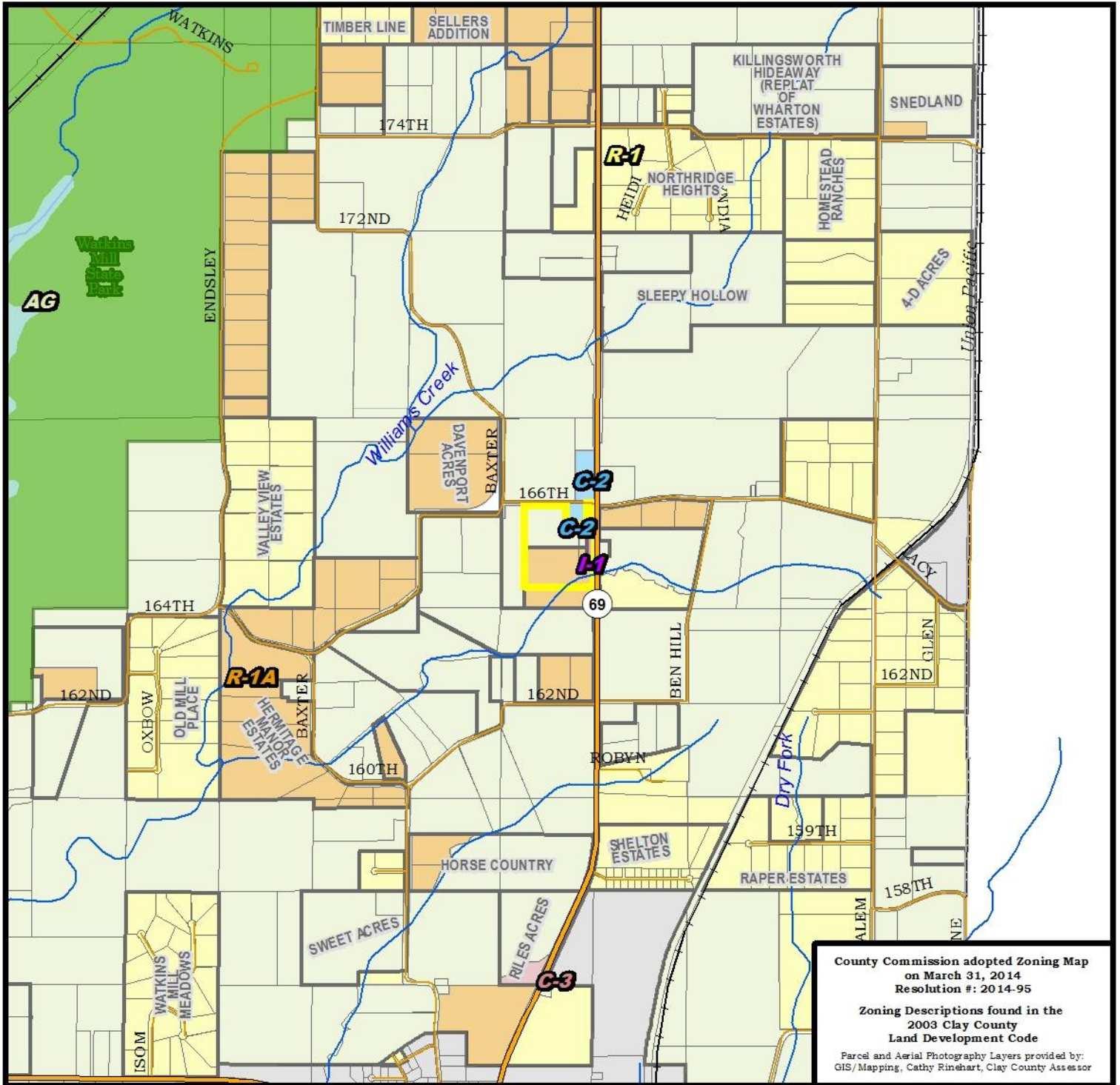






# Mar 15-106F – Williams Creek

## Attachment B - Existing Conditions Map



County Commission adopted Zoning Map  
on March 31, 2014  
Resolution #: 2014-95  
Zoning Descriptions found in the  
2003 Clay County  
Land Development Code  
Parcel and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rinehart, Clay County Assessor

**Planning & Zoning Department**

1 inch = 2,000 feet  
1 inch = 0.38 miles

### LEGEND

- Property Line
- Streams (EPA)
- Railroads
- Roads
  - Interstates
  - State Highways
  - Local Roads
  - Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

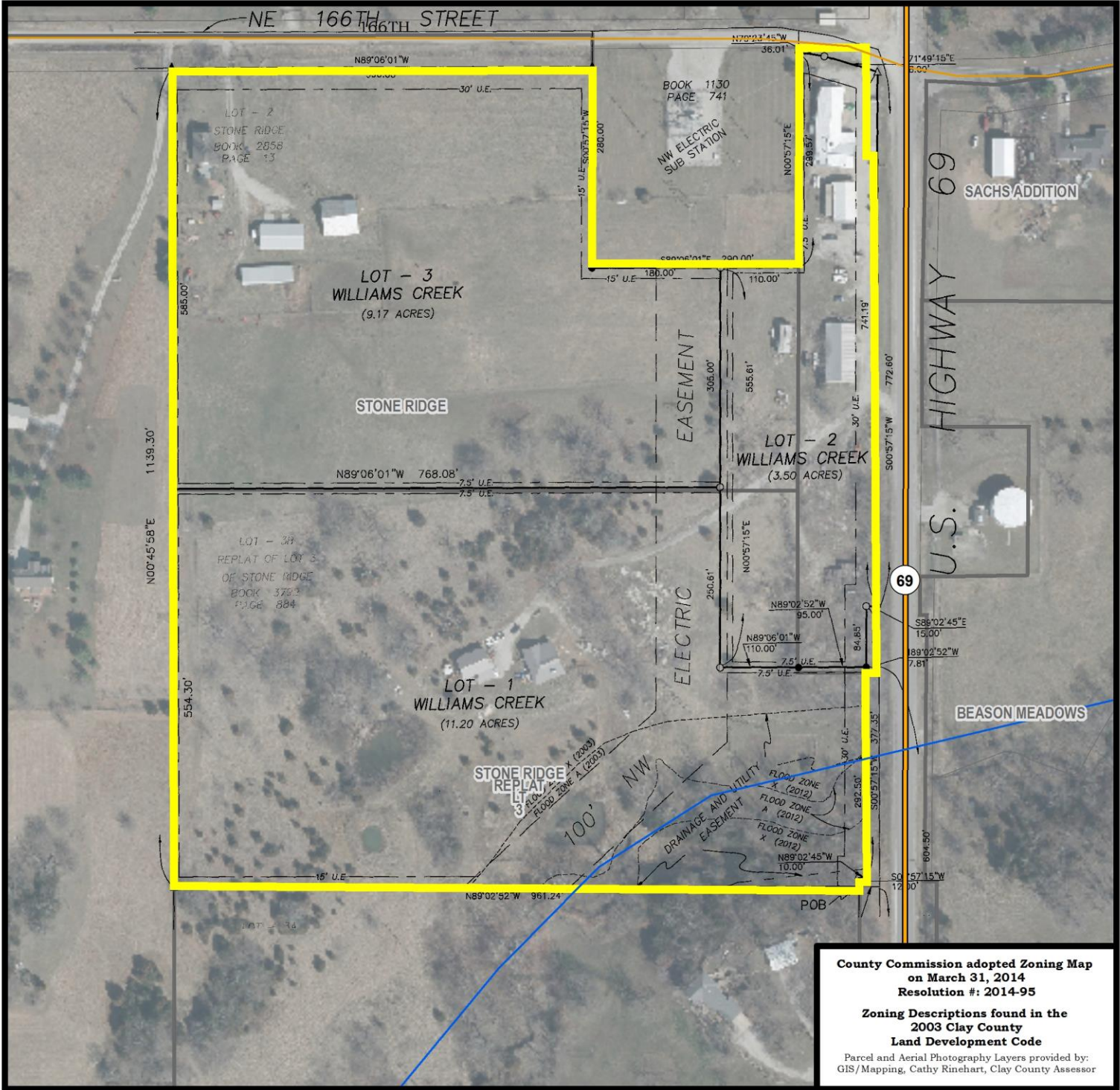
- Overlay Districts**
  - CD (Conservation District)
  - POD (Preservation Overlay District)
  - PUD (Planned Unit Development)

- Zoning Districts**
  - AG
  - R-1
  - R-1A/R-5
  - R-1B/RU
  - R-3
  - C-1
  - C-2
  - C-3
  - I-1
  - I-2
  - OP



# Mar 15-106F – Williams Creek

## Attachment C - Site Plan Map



**Planning & Zoning Department**



1 inch = 200 feet  
1 inch = 0.04 miles

### LEGEND

- Property Line
- ~ Streams (EPA)
- ~ Railroads
- ~ Roads
  - ~ Interstates
  - ~ State Highways
  - ~ Local Roads
  - ~ Highway Ramps
- Subdivisions
- City Limits
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